| | Application No. | Applicant(s) |
|---|---|---|
| **Notice of Allowability** | 10/004,514 | ELKAN, CHARLES |
| | Examiner | Art Unit |
| | CamLinh Nguyen | 2161 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Appeal brief filed on 9/11/2006*.

2. ☒ The allowed claim(s) is/are *1, 4 – 7, 10 – 29* .

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None  of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

## DETAILED ACTION

1.      This Office Action is response to appeal brief filed on 9/11/2006.

2.      Claims 1, 4 – 7, 10 – 29 are currently pending.

3.      Claims 1, 4 – 7, 10 – 29 are renumbered as 1 – 25 respectively.

## EXAMINER'S AMENDMENT

4.      An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Steve Fallon on 10/31/2006.

The application has been amended as follows:

- **Amend claim 1 as follow:**

        1. A system for providing a client data according to a quality value, said system

comprising;

        a downloading component for obtaining at least one item of data from a source;

        a classifier component for associating a quality value to each said item of data

using a profile, wherein said quality value is based on low-level features of said item of data

selected from the group consisting of length, vocabulary, fraction of words spelled correctly,

title, author, reading grade level, average length of sentences, average length of words, usage of

punctuation, usage of grammar, formatting, capitalization, source, display tags and any

combinations thereof;

a training component that selects at least one of said item of data according to certain labels, said selected items of data being grouped to form training data;

a learning component that accepts said training data and automatically creates said profile; and

a presenter component for accepting a request from a client and transmitting said items of data selected according to said quality value.


- **Amend claim 4 as follow:**

4. A <u>computer implemented</u> method of obtaining and automatically associating a quality value to an item of data comprising <u>software code for executing</u> the steps of:

obtaining at least one item of data from a source <u>via a network communication;</u>

obtaining labels for at least one of said items of data;

selecting items of data with certain labels to form training data; creating a profile from said training data;

<u>automatically</u> associating a quality value to at least one of said items of data using said profile;

<u>transmitting at least one item of data to a client according to an associated quality value assigned in said step of automatically associating;</u>

wherein said profile specifies said associated quality value based on low-level features of said item selected from the group consisting of length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length of sentences, average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, display tags and any combinations thereof.


- **Amend claim 5 as follow:**

5. The method of claim 4, further comprising a step of: receiving requests from clients; and <u>wherein said step of</u> transmitting transmits at least one item of data according to said requests and said associated quality values to said client.

- **<u>Amend claim 16 as follow:</u>**

> 16. A method for providing a client with data according to a quality value, said method further comprising the computer implemented steps of:
>
> > obtaining labels for at least one item of data;
> >
> > selecting items of data with certain labels to form training data;
> >
> > creating a profile from said training data;
> >
> > <u>automatically</u> associating a quality value with said at least one item of data using said profile, <u>wherein said quality value is based on low-level features of said item of data selected from the group consisting of length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length of sentences, average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, display tags and any combinations thereof</u>;
> >
> > accepting a request including quality value selection criteria from a client;
> >
> > selecting at least one item of data according to said quality value selection criteria; and
> >
> > transmitting selected items of data to said client.

- **<u>Amend claim 28 as follow:</u>**

> 28. A system for automatically retrieving and presenting a client with items according to their qualitative nature, comprising:
>
> > at least one computer system having at least one item of data available;
> >
> > at least one access device for enabling said client to communicate with said computer system;
> >
> > a classifier means effective to automatically associate a quality value to items of data, wherein said quality value is indicative of the qualitative nature of said items of data <u>and is based on low-level features of said item of data selected from the group consisting of length, vocabulary, fraction of words spelled correctly, title, author, reading grade level, average length</u>

of sentences, average length of words, usage of punctuation, usage of grammar, formatting, capitalization, source, display tags and any combinations thereof;

a means for a client to provide a request for at least one said item of data according to criteria; and

a transmitting means adapted to present at least one said item of data to said client selected according to said criteria.

- **Please cancel claim 30.**

### *Allowable Subject Matter*

5.      Claims 1, 4 – 7, 10 – 29 are allowed.

6.      The following is an examiner's statement of reasons for allowance: in independent claims 1, 4, 16, 25, and 28, a method and system for providing a client data according to a quality value comprising the step of "associating a quality value to each said item of data using a profile", taken with the other limitations of the claim, were not disclosed by, would not have been obvious over, nor otherwise fairly disclosed by the prior art of record.

7.      The dependent claims, being further limiting, definite and fully enabled by the Specification, are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## *Conclusion*

8.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

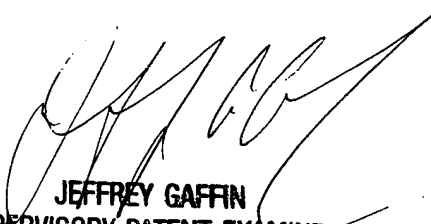The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on (571) 272 - 4146.  The fax phone number for the

organization where this application or proceeding is assigned is 571 – 273 - 8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

applications is available through Private PAIR only.  For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

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LN

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